

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 ROBERT A. SLOVAK,

5 Plaintiff,

6 v.

7 GOLF COURSE VILLAS
8 HOMEOWNERS' ASSOCIATION, *et al.*,

9 Defendants.

Case No. 3:13-CV-0569-MMD-CLB

ORDER GRANTING MOTION TO SEAL

[ECF No. 383]

10 Before the Court is Plaintiff Robert A. Slovak's ("Slovak"), motion for leave to file
11 records under seal. (ECF No. 383.) The documents contain medical information and
12 records of Slovak, his counsel, and an expert witness. (*Id.*)

13 "The courts of this country recognize a general right to inspect and copy public
14 records and documents, including judicial records and documents." *Courthouse News*
15 *Serv. v. Planet*, 947 F.3d 581, 591 (9th Cir. 2020) (quoting *Courthouse News Serv. v.*
16 *Brown*, 908 F.3d 1063, 1069 (7th Cir. 2018)). Certain documents are exceptions to this
17 right and are generally kept secret for policy reasons, including grand jury transcripts and
18 warrant materials in a pre-indictment investigation. *United States v. Bus. of Custer*
19 *Battlefield Museum & Store Located at Interstate 90, Exit 514, S. of Billings, Mont.*, 658
20 F.3d 1188, 1192 (9th Cir. 2011) (quoting *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d
21 1172, 1178 (9th Cir. 2006)).

22 If a party seeks to file a document under seal, there are two possible standards the
23 party must address: the compelling reasons standard or the good cause standard. See
24 *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096-97 (9th Cir. 2016). The
25 choice between the two standards depends on whether the documents proposed for
26 sealing accompany a motion that is "more than tangentially related" to the merits of the
27 case. *Id.* at 1099. If it is more than tangentially related, the compelling reasons standard
28 applies. If not, the good cause standard applies. *Ctr. for Auto Safety*, 809 F.3d at 1102.

1 Here, Slovak seeks to file documents under seal, which he claims contain
2 supplemental individually identifiable health information. His motion to seal and medical
3 records do not accompany a separate motion thus, they are not “more than tangentially
4 related” to the merits of the case. However, it appears Slovak is merely supplementing
5 the medical records he already filed under seal with the Court. (See ECF Nos. 340, 341.)
6 Further, the referenced documents contain the sensitive health information of three
7 individuals. (ECF No. 383.)

8 Balancing the need for the public’s access to information related to the medical
9 history, treatment, and condition of the three individuals mentioned, against the need to
10 maintain the confidentiality of the individual’s medical information, weighs in favor of
11 sealing these documents. For good cause appearing, the motion to seal, (ECF No. 383),
12 is **GRANTED**.

13 **IT IS SO ORDERED.**

14 **DATED:** December 3, 2021

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16 **UNITED STATES MAGISTRATE JUDGE**
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